

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

Derrick Dixon, aka "Banks"

CRIMINAL COMPLAINT

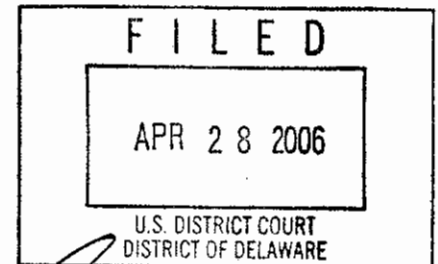
CASE NUMBER: 06-614-MPT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 11, 2006 in New Castle County, in the District of Delaware, defendant(s) did knowingly execute a scheme to defraud a financial institution and obtained moneys, assets and property under the custody or control of a financial institution, by means of false or fraudulent pretenses and representations, in violation of Title 18 United States Code, Section(s) 1344.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof: Yes



A handwritten signature in cursive script, appearing to read "Shon Sain".

Shon Sain

Special Agent

Sworn to before me and subscribed in my presence,

April 28, 2006 at

Date

Wilmington, DE

City and State

Honorable Mary Pat Thyng

United States Magistrate Judge

Name & Title of Judicial Officer

A handwritten signature in cursive script, appearing to read "Mary Pat Thyng".

Signature of Judicial Officer

AFFIDAVIT

1. I, Shon L. Sain, am a Special Agent with the United States Secret Service and have been so employed since April 9, 2000. I am assigned to the Wilmington Resident Office located in Wilmington, DE, and investigate among other crimes, Bank Fraud, Access Device Fraud and other financial-related crimes. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation, as well as collaborations with other law enforcement officers having knowledge of the case. I have not included all of the facts known to me in this affidavit, just those facts which I believe necessary to establish probable cause to support this Complaint.
2. On 3/2/06, Charlotte Fletcher, Fraud Investigator for PNC Bank, notified the U.S. Secret Service that nine of PNC Bank's customers were under suspicion of fraud. Ms. Fletcher provided documentation to me consisting of bank statements, account ledgers, copies of deposited checks, signature cards, ATM surveillance photographs and account histories.
3. The nine PNC Bank account holders are AB, NW, JH, CB and TW, MB, TT, TD, KR, and SM. A review of each of these checking accounts revealed a common pattern: multiple, fraudulent deposits being completed via PNC Bank ATM machines, where the suspect deposited stolen, purchased, or unauthorized checks into the account and immediately withdrew the available funds. The available amount for withdrawal was always \$700.
4. PNC Bank provided ATM surveillance photographs of an individual making the fraudulent deposits in six of the nine accounts. I compared all of these photographs, and determined that it was the same individual in all of them.
5. On 4/6/06, AB was interviewed regarding his checking account. AB stated that in early February of 2006, he met an individual named "Banks" at 10th and Market Streets, Wilmington, DE. "Banks" asked him if he wanted to make some money. When AB agreed, "Banks" offered to pay him an undetermined amount of money if AB would provide his ATM card and pin number to him. AB agreed to, and did, provide the ATM card and pin number to "Banks," but "Banks" never returned to pay him as promised. AB believed that "Banks" real name was Derrick, but did not know his last name.

Banking records show the following breakdown of transactions on AB's account in the format of date of the transaction, deposited amount and maker of the deposited check:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/11/06	\$1450.00	\$700.00	Viola S. Handy
2/12/06	\$1450.00	\$700.00	Marketa Powell

2/12/06	\$1450.00	\$700.00	Marketa Powell
2/12/06	\$1375.00	\$700.00	Marketa Powell
2/12/06	\$1250.00	\$700.00	Marketa Powell
2/13/06	\$1625.00	\$700.00	Marketa Powell
2/13/06	<u>\$1475.00</u>	<u>\$700.00</u>	Marketa Powell
Totals	\$10,075.00	\$4,900.00	

The above-mentioned transactions occurred at ATMs at 4111 Concord Pike, Wilmington, DE and 691 Naamans Rd., Wilmington, DE. All were captured on videotape by the ATM surveillance cameras. These photographs were provided to AB, who said that the person in the photographs was "Banks."

6. On 4/17/06, TD was interviewed regarding her checking account. TD stated that in February of 2006, her pocketbook was stolen from her residence, which contained her ATM card and pin number. TD stated that her fiancé had a number of associates at her residence around the same time her pocketbook was stolen. TD believes that one of these individuals was responsible for the theft of her pocketbook and the subsequent fraud on her checking account.

Banking records show the following breakdown of transactions on TD's account:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/9/06	\$1650.00	\$700.00	Sereba Henry
2/10/06	\$1850.00	\$700.00	Viola S. Henry
2/10/06	<u>\$1650.00</u>	<u>\$700.00</u>	Viola S. Henry
Totals	\$5150.00	\$2100.00	

The above mentioned transactions were captured on the ATM surveillance system located at 4111 Concord Pike, Wilmington, DE. These photographs were provided to TD. TD positively identified the individual in the photographs as a person she knows as "Banks."

7. On the same date, TD's fiancé (hereinafter, TDF) was interviewed regarding "Banks" and about his personal checks being used to make deposits by "Banks" in other PNC Bank accounts. TDF stated that when "Banks" was at his residence, Banks offered to purchase TDF's unused checks for \$800. Due to TDF's financial problems at the time, he agreed and provided "Banks" with approximately one-hundred blank checks drawn on Citizens Bank. TDF stated that he was never paid by "Banks." The ATM surveillance photographs were shown to TDF. He positively identified "Banks" as the individual he sold his checks to. He believed that "Banks" real name was Derrick.
8. On the same date, one of the PNC Bank account holders in paragraph three identified the individual in all of the ATM surveillance photographs as Derrick

Dixon. The CS was provided a photograph of Dixon from the DELJIS system and positively identified Dixon as the individual in the surveillance photographs.

9. A review of banking records for SM's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/12/06	\$1350.00	\$700.00	Marketa Powell
2/12/06	\$1450.00	\$700.00	Marketa Powell

Totals	\$2800.00	\$1400.00	
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These above mentioned transactions were captured on the ATM surveillance system located at 691 Naamans Rd., Wilmington, DE. The individual in the photographs, in my opinion, resembles Derrick Dixon. The checks in the name of Marketa Powell were also used by in committing the fraud related to AB's account. (See paragraph 5).

10. A review of banking records for TT's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/16/06	\$1800.00	\$700.00	Mario D. Turner
2/16/06	\$1100.00	\$700.00	Mario D. Turner
2/16/06	\$1600.00	\$700.00	Mario D. Turner
2/16/06	\$1300.00	\$700.00	Mario D. Turner
2/16/06	\$1250.00	\$700.00	Mario D. Turner
2/16/06	\$1425.00	\$700.00	Mario D. Turner

Totals	\$8475.00	\$4200.00	
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There are no surveillance photographs for these transactions. But the Mario D. Turner checks were also used in connection with the fraudulent transactions relating to CB and MB. (See next two paragraphs).

11. A review of banking records for CB's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/18/06	\$1600.00	\$700.00	Mario D. Turner
2/18/06	\$1425.00	\$700.00	Mario D. Turner
2/18/06	\$1700.00	\$700.00	Mario D. Turner
2/18/06	\$1865.00	\$700.00	Mario D. Turner
2/18/06	\$1935.00	\$700.00	Mario D. Turner
2/18/06	\$1285.00	\$700.00	Mario D. Turner

Totals \$9810.00 \$4200.00

These above mentioned transactions were captured on the ATM surveillance system located at the intersection of Tenth and Union Streets, Wilmington, DE. The individual in the photographs resembles Derrick Dixon.

12. A review of banking records for MB's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/18/06	\$1450.00	\$700.00	Mario D. Turner
2/18/06	\$1800.00	\$700.00	Mario D. Turner
2/18/06	\$1250.00	\$700.00	Mario D. Turner
2/18/06	\$1680.00	\$700.00	Mario D. Turner
2/18/06	\$1365.00	\$700.00	Unknown
2/18/06	\$1852.00	\$700.00	Mario D. Turner
2/18/06	\$1900.00	\$700.00	Mario D. Turner
2/18/06	\$1785.00	\$700.00	Mario D. Turner
2/19/06	\$1400.00	\$700.00	TT
2/19/06	\$1625.00	\$700.00	TT
2/19/06	\$1325.00	\$700.00	TT
2/19/06	\$1852.00	\$700.00	TT

Totals \$20,369.00 \$8,400.00

These above mentioned transactions were captured on the ATM surveillance system located at the intersection of Tenth and Union Streets, Wilmington, DE. The individual in the photographs resembles Derrick Dixon.

The following transactions were not captured by ATM surveillance cameras. However, the checks used to make the deposits were the same checks ("TT") as the checks used above. These transactions occurred at the same ATM location as the transactions above.

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/21/06	\$1365.00	\$700.00	TT
2/21/06	\$1470.00	\$700.00	TT
2/21/06	\$1640.00	\$700.00	TT
2/21/06	\$1740.00	\$700.00	TT
2/21/06	\$1670.00	\$700.00	TT
2/21/06	\$1550.00	\$700.00	TT
2/21/06	\$1600.00	\$700.00	TT
2/21/06	\$1475.00	\$700.00	TT
2/21/06	\$1465.00	\$700.00	TT
2/21/06	\$1460.05	\$700.00	TT
2/21/06	\$1475.00	\$700.00	TT

Totals \$16,910.05 \$7,700.00

13. A review of banking records for JH's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/23/06	\$1325.00	\$700.00	TDF
2/23/06	\$1600.00	\$700.00	TDF
2/23/06	\$1485.00	\$700.00	TDF
2/23/06	\$1765.00	\$700.00	TDF
2/23/06	\$1805.00	\$700.00	TDF
2/23/06	\$1985.00	\$700.00	TDF
2/23/06	\$1985.00	\$700.00	TDF
2/23/06	\$1935.00	\$700.00	TDF
2/23/06	\$1585.00	\$700.00	TDF
2/23/06	\$1400.80	\$700.00	TDF
2/23/06	<u>\$1250.00</u>	<u>\$700.00</u>	TDF

Totals \$18,120.80 \$7,700.00

These above mentioned transactions were captured on the ATM surveillance system located at the intersection of Tenth and Union Streets, Wilmington, DE. The individual in the photographs resembles Derrick Dixon. The checks used in these transactions were sold to "Banks" by TDF. (See paragraph 7).

14. A review of banking records for KR's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/25/06	\$1465.00	\$700.00	TT
2/25/06	\$1740.00	\$700.00	TT
2/25/06	\$1455.00	\$700.00	TT
2/25/06	\$1740.00	\$700.00	TT
2/25/06	\$1670.00	\$700.00	TT
2/25/06	\$1650.00	\$700.00	TT
2/25/06	\$1780.00	\$700.00	TT
2/25/06	\$1680.00	\$700.00	TT
2/25/06	\$1740.00	\$700.00	TT
2/25/06	\$1680.00	\$700.00	TT
2/25/06	<u>\$1780.00</u>	<u>\$700.00</u>	TT

Totals \$18,380.00 \$7,700.00

There are no surveillance photographs for these transactions; however, there are surveillance photos of an individual resembling Dixon when he used other checks

belonging to TT. (See paragraph 12).

15. A review of banking records for NW's account reveals the following fraudulent transactions:

<u>Date</u>	<u>Deposited Amount</u>	<u>Amount W/Drawn</u>	<u>Maker of Check</u>
2/27/06	\$1300.00	\$700.00	TDF
2/27/06	\$1850.00	\$700.00	TDF
2/27/06	\$1925.00	\$700.00	TDF
2/27/06	\$1836.00	\$700.00	TDF
2/27/06	\$1296.00	\$700.00	TDF
2/27/06	\$1359.00	\$700.00	TDF
2/27/06	\$2580.00	\$700.00	TDF
2/27/06	\$2150.00	\$700.00	TDF
2/27/06	\$2358.00	\$700.00	TDF
2/27/06	\$2250.00	\$700.00	TDF
2/27/06	\$2680.00	\$700.00	TDF
2/27/06	\$2680.00	\$700.00	TDF
2/27/06	\$2666.00	\$700.00	TDF

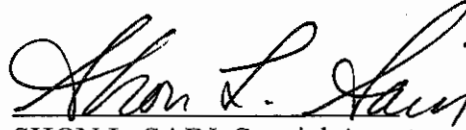
Totals	\$26,930.66	\$9,100.00	
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There are no surveillance photographs. However, as stated earlier in paragraph 7, TDF said he sold his checks to "Banks," a/k/a Derrick.

16. In summary, a total of eighty-two fraudulent deposits were made into the above-mentioned accounts totaling \$137,020.51. The total amount of withdrawals made is \$57,400.00.
17. A search into Dixon's criminal history revealed an extensive history of fraud-related crimes. Of particular relevance is a Delaware State Police investigation resulting in Dixon's arrest for cashing two counterfeit checks at United Check Cashing, New Castle, DE. Dixon cashed two counterfeit checks drawn on two different banks in the amounts of \$740.10 and \$3,378.09. Upon Dixon's arrest on 6/21/04, he admitted to knowingly cashing the counterfeit checks in question.
18. A search warrant was executed on Dixon's residence on 6/24/04, which resulted in the Delaware State Police recovering counterfeit checks and related items made out to different individuals and drawn on different banks.
19. A second Delaware State Police investigation showed that Dixon was arrested on 1/31/04 after the investigation determined he cashed a \$7500.00 check as a part of a larger check cashing scheme with several other defendants. Further, a police report relating to this investigation stated that Dixon was arrested in 1998 for depositing stolen checks into an account he personally opened.

20. The deposits of PNC Bank are insured by the Federal Deposit Insurance Corp., according to PNC's website.

Based on the above facts, I submit that there is probable cause to believe that DERRICK DIXON knowingly executed on 82 occasions, including February 11, 2006, when he deposited a "Viola S. Handy" check to a PNC account, a scheme, which resulted in the defrauding of a financial institution in violation of 18 U.S.C. § 1344.



SHON L. SAIN, Special Agent

United States Secret Service

Sworn to and subscribed before me this 28 day of April, 2006.



Honorable Mary Pat Thyng
United States Magistrate Judge